CF0000151882

SRR (2)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(C.G.)

AMENDED PETITION
WRIT PETITION NO.3839/2003

PETITIONERS

1. DASHRATHLAL YADAV, AGED ABOUT 47 YEARS, SON OF SHRI RAMBHAO YADAV, SAINIK NO. 36282, RESIDENT OF NEAR MANI SAHU KIRANA STORES, SHITLAPARA, RAMNAGAR, BILASPUR (C.G.)

2. AMBIKA PRASAD SHARMA, AGED ABOUT 35 YEARS, SON OF SHRI PADUM PRASAD SHARMA, SAINIK NO. 26, RESIDENT OF ASHWANI NAGAR, ASHOK AATA CHAKKI, PANDAR BHATHA, MUNGELI, RAIPUR (CHHATTISGARH).

3. SHIVNARAYAN PATEL, AGED ABOUT 42 YEARS, SON OF BUDHRAM SINGH PATEL, LA. NO. 402, RESIDENT OF VILLAGE BHAGBAHRA KALA, BAGBAHRA, MAHASAMUND (CHHATTISGARH)

4. GANESH RAM VERMA, AGED ABOUT 40 YEARS, SON OF GAIDA RAM VERMA, SAINIK NO. 422, RESIDENT OF VILLAGE KHELI, POST TARRA, P.S. PAATAN, DISTT. DURG (C.G.)

5. TULSIRAM VERMA, AGED ABOUT 40 YEARS, SON OF SHRI KANHAIYA LAL VERMA, SAINIK NO. 51420, RESIDENT OF VILLAGE TAWA, POST TARRA, P.S. DHARSIWA, DISTT. RAIPUR (CHHATTISGARH).

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Filed on 10-8-05
by Shri F. Mirza
Advocate

RR
R. to A.R. (J.) 10/8/05

6. MAKWAM, AGED ABOUT 35 YEARS, SON OF SHRI BUDHE RAM, SAINIK NO. 516, RESIDENT OF VILLAGE SIRRI, POST SIRRI, P.S.KURUD, DISTT. DHAMTARI, (C.G.)

7. MANSINGH LAHRE, AGED ABOUT 35 YEARS,SON OF SHRI NEEL KANTH, SAINIK NO. 212, RESIDENT OF VILLAGE ANWARI, POST ANWARI, P.S. KURUD, DISTT. DHAMTARI (CHHATTISGARH)

8. DASHRATH SAHU, AGED ABOUT 35 YEARS, SON OF SHRI MAKHANLAL, SAINIK NO. 747, RESIDENT OF VILLAGE CHINWARI, POST SIRRI, P.S. KURUD, DISTT. DHAMTARI (CHHATTISGARH).

9. ISHWAR SONI, AGED ABOUT 38 YEARS, SON OF SHRI CHANDRIKA SONI, SAINIK NO. 293, RESIDENT OF VILLAGE OGAN, POST OGAN, P.S. PALLAN, BALODABAZAR, DISTT. RAIPUR (CHHATTISGARH).

10. BHOLA PRASAD CHANDRAKAR, AGED ABOUT 35 YEARS, SON OF SHRI JIVRAKHAN LAL CHANDRAKAR, SAINIK NO. 575, HOUSE NO. 171 ANTANG, VILLAGE POST ACHOTI, P.S. KURUD, DHAMTARI (CHHATTISGARH).

11. SHEKHAR RAM VERMA, AGED ABOUT 45 YEARS, SON OF LATE KISHUN VERMA, SAINIK NO. 796, NEW VIJAY NAGAR, AVANTI VIHAR, SHANKAR NAGAR, TELIBANDHA, RAIPUR (CHHATTISGARH).

12. JOGI RAM VERMA, AGED ABOUT 42 YEARS, SON OF SHRI JAI SINGH VERMA, SAINIK NO. 608, RESIDENT OF VILLAGE ONGAN, POST ONGAN, P.S. PALLARI, DISTT. RAIPUR (CHHATTISGARH).

13. SUKHDEV PRASAD, SON OF MAKHAN LAL DHEEMAR, SAINIK NO. 108, RESIDENT OF GANJ PARA, BANDHA TALABPARA (LADDOOWALE), POST DURG, P.S. DURG, DISTT. DURG (C.G.)

14. JOHAR SINGH DHRUVANSHING, AGED ABOUT 55 YEARS, SON OF SHRI JAGMOHAN SINGH, SAINIK NO. 8389, RESIDENT OF GANJPARA, BUDHA TALAB, DISTT. DURG (C.G.)

15. PHAGWA RAM KEWAT, AGED ABOUT 60 YEARS, SON OF SHRI BHUDU RAM, RESIDENT OF VILLAGE MAHMARA, DISTT. DURG (C.G.)

VERSUS

RESPONDENTS

1. THE STATE OF CHHATTISGARH, THROUGH THE SECRETARY, DEPARTMENT OF HOME GUARDS, D.K.S. BHAWAN, MANTRALAY, RAIPUR (CHHATTISGARH).

2. THE INSPECTOR GENERAL, HOME GUARDS, DISTT. RAIPUR (CHHATTISGARH).

3. THE SUPERINTENDENT OF POLICE, DISTRICT RAIPUR (CHHATTISGARH).

(5)

4. THE DISTRICT COMMANDANT, HOME GUARDS, DISTRICT - RAIPUR (CHHATTISGARH).

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

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(138)

HIGH COURT OF CHHATTISGARH AT BILASPUR
Writ Petition No. 3839 of 2003

Petitioners : Dashrathlal Yadav & others

Versus

Respondent : The State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri

Smt. Fouzia Mirza, Advocate for the Petitioners.
Shri Sandeep Dubey, Government Advocate for the respondents/State.

ORAL ORDER

(14th February, 2006)

1. Learned counsel for the petitioners submits that the petitioners were working as Home Guards in District Raipur. The services of the petitioners were terminated way back in the year 1983 on the ground that they formed a rally and participated therein. The rally was organized by the Home Guards themselves, raising their demands for grant of allowances and their regularization on the post of police constable.

2. Being aggrieved, the petitioners filed writ petition in the High Court of Madhya Pradesh at Jabalpur being W.P. No. 2627/1983. Subsequently, the petitioners withdrew that petition with leave to file a fresh petition. The petition was accordingly dismissed vide order dated 20.1.1984.

3. The petitioners have filed this petition on 19.11.2003 after a period of about 19 years. This petition cannot be entertained after such a long period, when the rights of all the parties have settled. However, in the facts of the case, learned counsel for the petitioners seeks liberty of this Court to make a representation before the competent authorities for redressal of grievances of the petitioners.

4. The petitioners are granted liberty to file representation for redressal of their grievances before the competent authorities. In the event, representation is made before the competent authorities, the competent authorities are directed to consider the same sympathetically, keeping in view, the fact that the petitioners have suffered for about 23 years, on account of their removal from services. The competent authorities are directed to consider and decide the representation of the petitioners within a period of six weeks from the date of receipt of representation by the petitioners, if any.

5. In view of the foregoing, the writ petition stands dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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